

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

UNITED STATES OF AMERICA)
) No. 07 CR 50069
v.)
) Judge Frederick J. Kapala
BROCK B. BARRETT)

PRELIMINARY ORDER OF FORFEITURE

This matter comes before the Court on motion of the United States for entry of a preliminary order of forfeiture as to specific property pursuant to the provisions of Title 18, United States Code, Section 924(d)(1), Title 28, United States Code, Section 2461(c), and Fed. R. Crim. P. 32.2, and the Court being fully informed hereby finds as follows:

- (a) On December 18, 2007, an indictment was returned charging BROCK B. BARRETT with having possessed a firearm after having been previously convicted of a felony, in violation of Title 18, United States Code, Section 922(g)(1), among other violations.
- (b) The indictment sought forfeiture to the United States of specific property, namely, one Glock, Model 26, 9mm handgun, serial number EVK059US, pursuant to the provisions of 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c).
- (c) On May 9, 2008, pursuant to Fed. R. Crim. P. 11, defendant BROCK B. BARRETT entered a voluntary plea of guilty to Count One of the indictment, charging him with possessing a firearm after having been previously convicted of a felony, thereby making certain property subject to forfeiture pursuant to 18 U.S.C. § 924(d)(1).
- (d) In the plea agreement entered between the defendant and the United States, defendant BROCK B. BARRETT agreed that the above described firearm is subject to forfeiture and further

agreed to relinquish any right, title or ownership interest that he has in this property pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c).

(e) Accordingly, the United States requests that this Court enter a preliminary order of forfeiture, pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), forfeiting all right, title, and interest defendant BROCK B. BARRETT has in the foregoing firearm, for disposition according to law, including destruction.

Accordingly, it is hereby ORDERED, ADJUDGED AND DECREED:

1. That, pursuant to the provisions of 18 U.S.C. § 924(d)(1), 28 U.S.C. § 2461(c) and Fed. R. Crim. P. 32.2, all right, title, and interest defendant BROCK B. BARRETT may have in one Glock, Model 26, 9mm handgun, serial number EVK059US is hereby forfeited to the United States for disposition according to law. It is further ordered,

2. That, pursuant to the provisions of 21 U.S.C. § 853(g), as incorporated by 28 U.S.C. § 2461(c), upon entry of this preliminary order of forfeiture, the Bureau of Alcohol, Tobacco, Firearms, and Explosives shall seize and take custody of the foregoing firearm for disposition according to law, including destruction. It is further ordered,

3. That, pursuant to the provisions of 21 U.S.C. § 853(n)(1), as incorporated by 28 U.S.C. § 2461(c), upon entry of a preliminary order of forfeiture, the United States shall publish notice of this order and of its intent to dispose of the foregoing firearm according to law. The government may also, pursuant to statute and to the extent practicable, provide written notice to any person known to have alleged an interest in the property that is the subject of the preliminary order of forfeiture. The government is unaware at this time of anyone who qualifies for such notice. It is further ordered,

4. That, pursuant to the provisions of 21 U.S.C. § 853(n)(2), as incorporated by 28 U.S.C. § 2461(c), if, following notice as directed by this Court and 21 U.S.C. § 853(n)(1), as incorporated by 28 U.S.C. § 2461(c), any person, other than the defendant, asserts a legal interest in the property that has been ordered forfeited to the United States, within thirty days of the final publication of notice or this receipt of notice under paragraph three (3), whichever is earlier, and petitions the Court for a hearing to adjudicate the validity of this alleged interest in the property, the government shall request a hearing. The hearing shall be held before the court alone, without a jury.

It is further ordered,

5. That, following the Court's disposition of all third party interests, the Court shall, if appropriate, enter a final order of forfeiture as to the foregoing firearm, which is the subject of this preliminary order of forfeiture, which shall vest clear title in the United States of America. It is further ordered,

6. That, the terms and conditions of this preliminary order of forfeiture entered by this Court shall be made part of the sentence imposed against defendant BROCK B. BARRETT and included in any judgment and commitment order entered in this case against him. It is further ordered,

7. That, this Court shall retain jurisdiction in this matter to take additional action and enter further orders as necessary to implement and enforce this forfeiture order.

Dated: _____

FREDERICK J. KAPALA
United States District Court Judge